

**BOARD OF APPEALS CASE NO. 5232**

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**BEFORE THE**

**APPLICANT: Suzanne M. Glorioso, et al.**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an addition  
within the required 50 foot rear yard setback  
909 St. Andrew's Way, Bel Air**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 2/20/02 & 2/27/02**

**Record: 2/22/02 & 3/1/02**

**HEARING DATE: April 8, 2002**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Suzanne M. Glorioso, et al trustees, seeks a variance, pursuant to Section 267-36B, Table IV, of the Harford County Code, to construct an addition within the required 50 foot rear yard setback, (40 feet proposed), in an R1/Urban Residential District.

The subject parcel is located at 909 St Andrews Way, within the Scots Fancy subdivision, and is more particularly identified on Tax Map 49, Grid 2E, Parcel 0810. The parcel consists of 0.463± acres, is zoned R1 and is entirely within the Third Election District.

Mr. Victor Glorioso, husband of the Applicant, appeared and testified that the Applicant wishes to convert existing deck located to the rear of the house into an enclosed living space. Either a Florida room or enclosed patio/terrace are planned. The enclosure will be 40 feet by 16 feet. The witness described the rear yard as very steep and stated that it backs up to a golf course. After construction, the out of bounds stakes for the course will be 45 feet from the new enclosure. According to the witness, the enclosure will probably not be visible from golf carts on the course because of the topography of the lot and course and the significant difference in elevation of the two. The witness also stated that St. Andrews Way curves in front of his house so the home is actually not aligned along straight lines but, rather, is angled to the property lines. This configuration contributes to the reduction of possible locations for such an enclosure. Mr. Glorioso did not feel as though any adverse impacts would result from the proposed structure and stated that all of his neighbors had supported his request.

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The Department of Planning and Zoning concluded that the property was uniquely configured. The angle of the rear property line, according to the Department's Staff Report, is severely angled and reduces possible area for expansion of the home. The lot backs up to a golf course and is significantly lower in elevation than the course itself. The Department concluded that the proposed enclosure will not have an adverse impact on the intent of the Code or adjacent properties and recommended approval of the request.

There were no persons who appeared in opposition to the subject request.

### **CONCLUSION:**

The Applicant, Suzanne M. Glorioso, et al trustees, seeks a variance, pursuant to Section 267-36B, Table IV, of the Harford County Code, to construct an addition within the required 50 foot rear yard setback, (40 feet proposed, in an R1/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Hearing Examiner finds that the evidence supports a finding that this property is unique. It sits sufficiently low in elevation that there is likely no view of the enclosure from the closest and most impacted property. Additionally, the house is severely angled to the property line reducing the building envelope of the parcel severely. There will not be any adverse impact to adjacent properties nor will the purposes of the Code be materially impaired by a grant of approval.

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The Hearing Examiner recommends approval of the request, subject to the following conditions:

1. The Applicant submit an architectural rendering of the proposed enclosure to the Department of Planning and Zoning for review and approval prior to the issuance of any building permits.
2. That the Applicant's construction not exceed 40 feet by 16 feet in dimension.
3. That the Applicant obtain any and all necessary permits and inspections.

**Date: MAY 8, 2002**

**William F. Casey  
Zoning Hearing Examiner**